

June 10, 2005

Virginia Bartos
State Historic Preservation Officer
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189

Re: Massapequa Lake Fishway, Nassau County, NY
NHPA Section 106 Compliance

Dear Ms. Bartos:

Enclosed is the Draft Restoration Plan and Environmental Assessment (Draft RP/EA) for the Liberty Industrial Finishing Corporation Superfund Site, June 2005 (also available at <http://www.darp.noaa.gov>). The National Oceanic and Atmospheric Administration (NOAA), U.S. Fish and Wildlife Service, and the New York State Department of Environmental Conservation, also known as the federal and state natural resource trustees, jointly prepared the Draft RP/EA, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act and National Environmental Policy Act. The Draft RP/EA describes the injuries caused by the releases of hazardous substances at the Site, and the proposed off-Site restoration project to address those injuries.

The Draft RP/EA proposes the off-Site creation of fish passage at the spillway downstream of Massapequa Lake. Massapequa Lake is a 40-acre water body located near the southern end of the Massapequa Preserve in the Township of Oyster Bay, Nassau County, New York. The spillway is a man-made structure located at the head of tide and currently obstructs anadromous fish passage into their historical spawning grounds. The trustees believe that construction of a fish ladder is the most feasible option for restoring historical anadromous fish passage to Massapequa Lake. Fish ladders were proposed and evaluated for the spillways at Massapequa Lake in Nassau County's Environmental Impact Statement (EIS) for the Massapequa Preserve Streamflow Augmentation and Pond Restoration. This project received the support of the local community, the County, and the State. Dam removal was not considered in the EIS prepared under the New York State Environmental Quality Review Act (SEQRA).

A review of New York listings on the National Register of Historic Places indicates that the Massapequa Lake Spillway is not listed, nor is it identified as an archeologically sensitive area. The trustees seek to avoid causing harm to any cultural resources that may exist at the site, and look forward to working collaboratively with the New York State Historic Preservation Office to avoid or minimize potential impacts to potential historic resources at the site.

The proposed work focuses on the construction of a concrete or adjustable aluminum fish ladder at the spillway to allow anadromous fish passage into Massapequa Lake. Target species for the restoration project are: blueback herring (*Alosa aestivalis*) and alewife (*Alosa pseudoharengus*). Striped bass (*Morone saxatilis*) and white perch (*Morone Americana*) may also benefit from the proposed passage. Construction would require the minor excavation of sediment for the installation of the fish ladder at the foot of the spillway. The fish ladder would require minor structural modifications of the spillway.

Modifications to the spillway may include a notch to accommodate the exit pool and downstream passage. Notching will be completed mechanically with care to minimize any potential impact to the dam. If a concrete fish ladder is chosen, exposed concrete will be modified in shape and color to match the existing structure, to the maximum extent practicable. Diversion of water to the fishway will not affect normal spillway flows. Work is expected to be completed in late summer or fall. All construction activities will be conducted in a manner that reduces adverse effects on the spillway structure to the maximum extent practicable.

This letter serves to formally initiate federal consultation with the New York State Historic Preservation Office in compliance with Section 106 of the National Historic Preservation Act (36 CFR 800), as amended. We ask that you please review the proposed project and provide comments by July 15, 2005 to Reyhan Mehran, NOAA Coastal Resource Coordinator at (212) 637-3257, NOAA Office of Response and Restoration, 290 Broadway, 18th Floor, New York, NY 10007-1866.

Thank you for your assistance in providing us with any information you have regarding cultural resources at the site. If we do not hear from you by July 15, then the trustees will assume that you have no further comments on this project.

Sincerely,

Kate Clark
Injury Assessment Coordinator
NOAA Office of Response and Restoration

Enclosures: Location map, photographs

cc: w/o attachment: Jason Forman, NOAA/OGC
John Catena, NOAA/NMFS
Reyhan Mehran, NOAA/ORR
Mark Barash, DOI
Sharon Brooks, NYSDEC
David Keehn, NYSDEC
Ken Karwowski, USFWS

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Western Spillway (Upper Step)

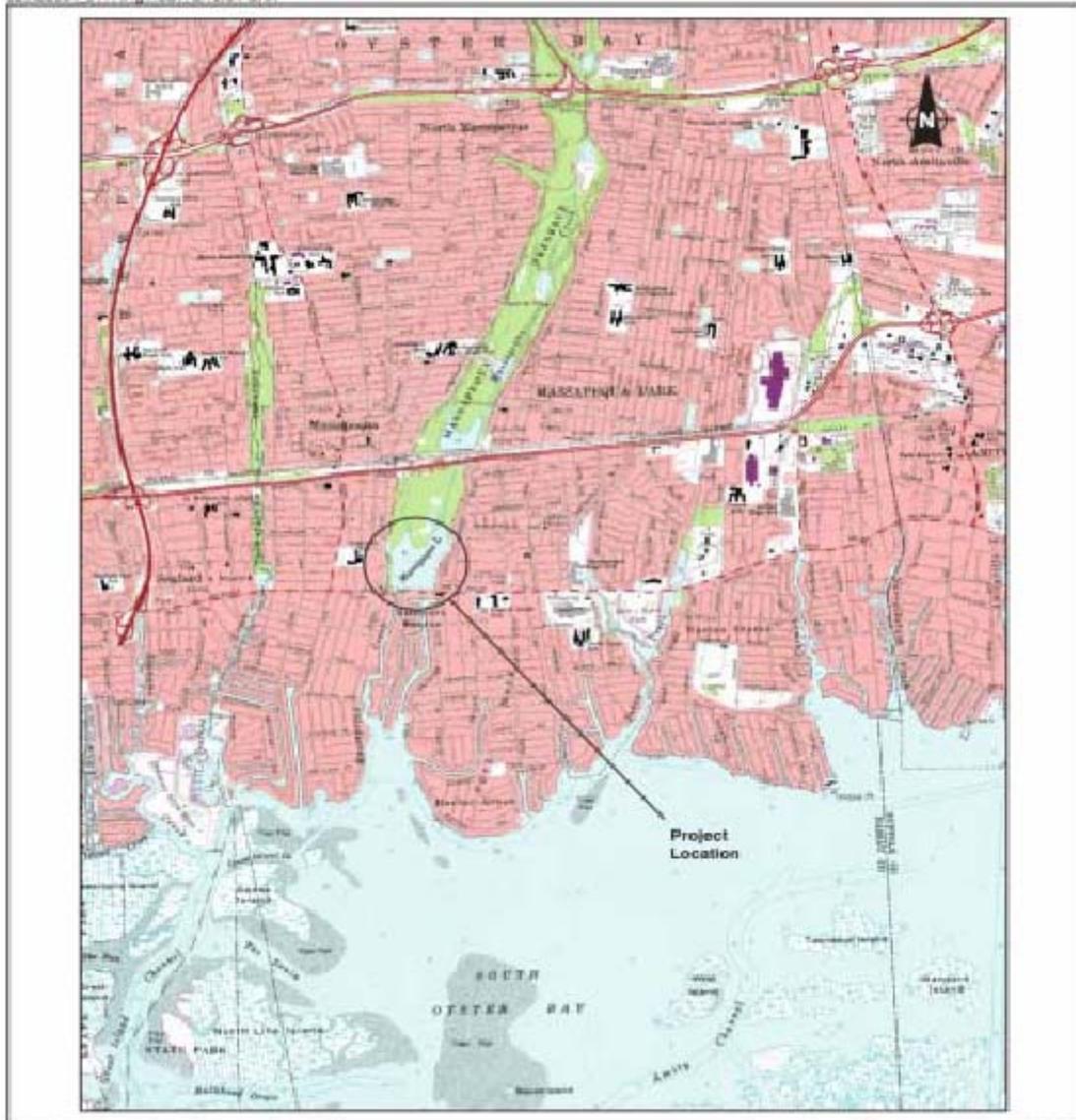


Western Spillway (Lower Step)



Eastern Spillway

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SOURCE: USGS Quadrangle - Amityville, NY 2004

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